

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MONIQUE DRAGOIU,

Plaintiff,

CIVIL ACTION NO. 10-CV-11896

vs.

DISTRICT JUDGE DAVID M. LAWSON

HUD,

MAGISTRATE JUDGE MONA K. MAJZOUB

Defendant.

/

**ORDER GRANTING IN PART PLAINTIFF'S MOTION TO AMEND COMPLAINT
(DOCKET NO. 14)**

This matter comes before the Court on Plaintiff's "Motion To Request Amend [sic] Initial Complaint (Joinder) - Addition Of Responsible Parties." (Docket no. 14). Defendant has filed a response. (Docket no. 18). The Court dispenses with oral argument on the motion pursuant to E.D. Mich. LR 7.1(f). All pretrial matters have been referred to the undersigned for decision. (Docket no. 6). This matter is now ready for ruling pursuant to 28 U.S.C. § 636(b)(1)(A).

Plaintiff moves to amend her complaint filed under the Federal Torts Claims Act ("FTCA") to add as Plaintiffs Alin Dragoiu, Cristian Dragoiu, and Sophia Dragoiu, and to add as Defendants HUD Secretaries Alfonso Jackson, Shaun Donovan, and Mel Martine. The FTCA does not permit suit against individual federal employees or federal agencies. 28 U.S.C. § 2679(a). Instead, the United States is the only proper Defendant in an FTCA action. *See Allgeier v. United States*, 909 F.2d 869, 871 (6th Cir.1990) (citing 28 U.S.C. § 2679(a)). Therefore, Plaintiff's motion to amend to add Alfonso Jackson, Shaun Donovan, and Mel Martine will be denied. Plaintiff will be granted leave to amend her complaint to name the United States as a Defendant in this lawsuit. Plaintiff may

also add Alin Dragoiu, Cristian Dragoiu, and Sophia Dragoiu as Plaintiffs in the amended complaint. Plaintiff's amended complaint must contain a short and plain statement of each claim against the United States, and must contain sufficient facts to state a claim to relief that is plausible on its face. *See Fed.R.Civ.P. 8; Ashcroft v. Iqbal*, 129 S.Ct. 1937, 1949 (2009) (quoting *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007)).

The Court is aware that Defendant HUD has filed a Motion to Dismiss and will address the merits of that motion by separate docket entry.

IT IS THEREFORE ORDERED that Plaintiff's "Motion To Request Amend [sic] Initial Complaint (Joinder) - Addition Of Responsible Parties" (docket no. 14) is **GRANTED** in part. On or before April 21, 2011 Plaintiff must file a First Amended Complaint naming the United States as Defendant and adding Alin Dragoiu, Cristian Dragoiu, and Sophia Dragoiu as Plaintiffs. In all other respects, Plaintiff's motion is denied. **Failure to comply with this order may result in dismissal of Plaintiff's Complaint.**

NOTICE TO THE PARTIES

Pursuant to Federal Rule of Civil Procedure 72(a), the parties have a period of fourteen days from the date of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. § 636(b)(1).

Dated: April 4, 2011

s/ Mona K. Majzoub
 MONA K. MAJZOUB
 UNITED STATES MAGISTRATE JUDGE

PROOF OF SERVICE

I hereby certify that a copy of this Order was served upon Monique Dragiou and Counsel of Record on this date.

Dated: April 14, 2011

s/ Lisa C. Bartlett
Case Manager